

CIVIL RIGHTS COMPLAINT

42 U.S.C. § 1983

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



CV 14

FILED
IN CLERK'S OFFICE
US DISTRICT COURT
JAN 14 2014

Omar Taki Freeman
Full name of plaintiff/prisoner ID#

B:4411309638 / N:08320152P
Plaintiff,

JURY DEMAND
YES X NO X

BROOKLYN OFFICE

open

-against-

Rikers Island C-95
East Elmhurst
11370

Enter full names of defendants
[Make sure those listed above are
identical to those listed in Part III.]

VITALIANO,

Defendants.

I. Previous Lawsuits:

POHORELSKY, M.J.

A. Have you begun other lawsuits in state or federal court
dealing with the same facts involved in this action or
otherwise relating to your imprisonment? Yes (X) No ()

B. If your answer to A is yes, describe each lawsuit in the space below
(If there is more than one lawsuit, describe the additional lawsuits
on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Omar Taki Freeman

Plaintiffs:

Rikers Island C-95

Defendants:

Rikers Island C-95
Illegal strip search

2. Court (if federal court, name the district;
if state court, name the county)

3. Docket Number:

2013 QN0561115

4. Name of the Judge to whom case was assigned: George Welch

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) Mary McBeth
McBeth

6. Approximate date of filing lawsuit: 10/4/13

7. Approximate date of disposition: 11/4/13

II. Place of Present Confinement: Creedmore Psychiatric Center

A. Is there a prisoner grievance procedure in this institution? Yes (☒) No () 9B

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes (☒) No ()

C. If your answer is YES,

1. What steps did you take? Filed Grievance,
told C.O., told Captain, called
Albany, told Lawyer

2. What was the result? "open"
still waiting for result

D. If your answer is NO, explain why not they stole my
jail ID, 2 Medicaid cards, and NY state
ID.

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes (☒) No ()

F. If your answer is YES,

1. What steps did you take? Verbal action in intake
15 days only suppose to be 2 days
state facility ID is 10/10/13, property
2. What was the result? waiting for result
from
10/11/13

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Omar Taki Freeman

Address 163-27 130 ave Apt 5C Jamaica
NY 11434

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

Rikers Island Correctional
Facility 18-18 Hazen
Street C-95
East Elmhurst 11370

Defendant No. 2

Defendant No. 3

2 Medicaid Medicaid
Cards Stolen US55 88617

Defendant No. 4

3449 Fish Ave
ap 3A Bronx NY
State 10469

Defendant No. 5

ID
stolen at Rikers

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 1/2 by 11 sheets of paper as necessary.)

Stolen Buy Money

First court Date 10/21/13 mirrored
cause in intake 15 days
~~arrested~~ arrested on 10/4/13

Assault, Wrongful Treatment, on
Bad Conditions, Robbery

IV.A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

Assaulted by Inmate in Quad Cover
5, cell

Suffered swollen right eye

Cos packed up nor commissary

V. Relief:

State what relief you are seeking if you prevail on your complaint.

Only suppose to be in intake
2 days. Intake from 10/8/13
to 10/21/13. Sueing
Psych Eval on 11/22-01/23 sent to
Credmore on December 2 or 4

I declare under penalty of perjury that on 11/7/14, I delivered this
(Date)
complaint to prison authorities to be mailed to the United States District Court for the Eastern
District of New York.

Signed this 7 day of January, 2014. I declare under penalty of
perjury that the foregoing is true and correct.

Omar Freeman
Signature of Plaintiff

Rikers Island
Name of Prison Facility

Correctional Facility

18-18 Hazen St, East Elmhurst
Address

B:44/1309638/N:08320152P
Prisoner ID#

Doc No.
2013 QN0561115Mary McVeth
My pshc
lawyer (1)FILED
IN CLERKS OFFICE
US DISTRICT COURT E.D.N.Y.

★ DEC 26 2013 ★

BROOKLYN OFFICE

Omar-Taki Freeman

B: 4411309638

N: 08320152P

FILED

IN CLERKS OFFICE
US DISTRICT COURT E.D.N.Y.

★ JAN 14 2014 ★

BROOKLYN OFFICE

I was on Dutphin Blvd, by Tech when a undercover gave me \$140 to buy drugs. I exchanged one of the 2 twenties. I went to the laundry mat on Dutphin in front of the 2 Chinese restaurants. I got a 10, 95, and 5 ones. I went to the spot and nobody was out. I went up the block to another spot. On my way there two cops stopped out their car and searched me on Bockaway by the pizza shop. I didn't have anything but the money. They already had the envelope in their hands for evidence. They put me in a van with 4 other people in the back and rode around for an hour. My glasses were broke in the process. They picked up two other people and let two go. Then I reached 113th precinct on

2013 QN0561115

(2)

Barley Blvd. I sat in 113th for 3 days. I got arrested on October 4, 2013. They took me to Central Booking on Queens Blvd. I waited in Bullpen took a picture then they took me back to 113th precinct. One cop gave me the ~~1, five dollar bill~~, 10, 5, and 5 one and gave me back my wallet. They bought me McDonalds twice and bought me something from the machine. They paid for the McDonalds. I gave them money from the buy money for the machine. I kept asking what I was charged with. It took three days. They said petty larceny and possession. They said I stole the cop money, how could I get arrested. They said possession I had 2 pushers with cocaine residue. Two metal rods with cocaine residue is paraphernalia not possession. I don't recall having two pushers.

Docket No.

1115

096383

2013 Q NO 56 ~~1115~~

I reached Central Brooklyn on Queens Blvd again on October 6, 2013 and they booked me. I got to Riker and stayed in the intake for 10/6/13 to 10/21/13. They kept me there for 2 days before I received my ID and property. My property receipt form has 10/11/13 and my ID has 10/10/13, which is C-95. They gave us an cup to drink water between 20 inmates and chicken and bread in our hands. Later on I forgot the exact date I went to see the psych. I stayed there 2 days. They took my urine it had the wrong info on the urine bottle. The doctor said I had cocaine in my system and I hadn't smoked since October 4, 2013. Only 3 days in my system and the date was October 11 or 12.

They sent me to the box ward of month I had Tower 5

~~box~~ They say when I went to the death island the

07438 41

another psych I gave them
my ID from the jail. I
also had my state ID, 2
medicaid cards, and 5 dollar
I stuck it in my jacket.
When I got to Hearts Island
(the psych) they searched me
found my state ID, 2 medicaid
cards and 5 dollar but
didn't give me a receipt. I stayed
in there all ~~the~~ night this was
on 10/20/13. On 10/21/13 my court
they sent me to Quad Tower 5
without my jail ID. They
put me in a cell without
breakfast until like 4:00 PM
ready to go to court at 5:00 AM.
They put me in a cell with no
water for two days then put
me in cell 13 later I missed
court. They bring me my jail
ID on ~~or Wed for Thursday~~ Tuesday
or Wed for commissary but it
wasn't signed that's how I know
something was wrong the one they
gave me in intake was signed.

2013 Q N 656 1115

07638

(5)

My commissary was stolen
on the 10/25/13 day when an
inmate punched me in the eye
and they took ~~me~~ us to intake
and then to the psych. HCArts
Island. I stayed for 13 hours.
When I got out they packed my
stuff. There was only 2 rump &
1 pad, 1 pen out of \$43.83.

The reference number is 128626872
on 10/25/13 at 10:38 and phone
calls since 10/18/13 9:55 - total
calls \$12.14. No. on @ bag 8.

(9:30)

Property receipt for form 1174564
and 1174565-~~4135~~

(9:35) Dated 10/11/13, Sheld
ID/4833

When I came to pack up my
stuff there was nothing. That
was on 10/28/13 or 10/29/13.
They sent me to
10 Module A on 10/28/13.

My free call on Sunday I
didn't receive until Monday
one day off. When I got to

Det No.

2013 QNO561115

09638

Module 10, or 10 Mod, of
 Couldn't have at \$43.83 worth of commissary. Two three days
 I went to court on the 10/28/13
 I think didn't go home. Offer
 was 30 days on court date at
 arrest. \$500 dollars bail and claim
 7 months in prison. They didn't let
 me go. Then I went to court on
 11/12/13 didn't see no body.
 Went to court on 11/20/13 on a
 Friday to psych evaluation
 They said they changed the possession
 to a bag of weed. A Jewish doctor
 said how do you steal my
 money. Florida called my home
 the DA Guido Henriquez name
 came from my CCM worker from
 the Bronx program BRC on my
 stolen Medicaid Cards and my
 ID 3449 Fresh Ave Apt 3A,
 Bronx, NY 10469.

In 10 Mod no sheets the whole
 time, denied church twice, 50
 beds, 6 or 7 toilets 8 showers
 heads, a hole fell in the floor
 in the Bathroom. Bad condition

DN
 ()
 BAC

Creedmore Psychiatric Hospital
79-25 Winchester Blvd
Queens Village, NY 11427

Social Worker - Amy Uivelo

Dr. Numan

Team Leader - Stephanie Madley
718-264-5096

Omar Tahi Freeman

Pearlean Lemmon (mother)

163-27 130 Ave

Capt 56 Jamaica NY 11434
(118) 276-7567

Stolen ID may be Duplicate

Admission Date 12/2/2013

on
12/4/2013

On last Court Date didn't see
Judge or lawyer. Officers and
Care dismissed, committed to
psyc.

Lawyer is George Welch

(718) 286-2145

incarcerated 10/4/13 to 12/2/13

2 Days
OFF.

12/02/13

08:16

THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION

AMKC

FREEMAN, OMAR
ID#4411309638

COMMISSARY PURCHASE

REFERENCE NUMBER: 1285116125

ITEM	PRICE	#	TOTAL
DOMINO PLAYING CARD	\$ 1.21	1	\$ 1.21
X-LARGESHOWERSLIPPE	\$ 0.85	1	\$ 0.85
SUAVE	\$ 1.97	1	\$ 1.97
DIAL	\$ 0.99	2	\$ 1.98
CLOSE-UP	\$ 1.92	1	\$ 1.92
MAXIMUM SECURITY DE	\$ 0.60	1	\$ 0.60
WRITING TABLET	\$ 1.36	1	\$ 1.36
PEN	\$ 0.23	2	\$ 0.46
REGAL COFFEE	\$ 0.54	28	\$ 15.12
LOWSODIUMRAMENCHILI	\$ 0.45	14	\$ 6.30
TOTAL			\$ 31.77

Spending Limit is \$125 per week

Bed 4
Module A
SAMPLE
OF
COMMISSARY
SHEETS

10/25/13
128626872
(14) 112-2014

12/02/13

08:15

THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION

AMKC

FREEMAN, OMAR
ID#4411309638

PHONE CALLS SINCE 11/11/13 08:14

TIME	TELEPHONE #	MI	AMOUNT
11/11/13 18:59	(917) 415-1179	10	0.89
11/11/13 19:12	(718) 286-2000	6	0.74
11/11/13 19:19	(718) 286-2145	5	0.70
11/13/13 09:29	(917) 415-1179	6	0.74
11/14/13 08:42	(917) 415-1179	6	0.74
11/15/13 10:07	(917) 415-1179	6	0.74
11/16/13 10:31	(917) 415-1179	6	0.74
11/17/13 10:31	(718) 286-2000	6	0.74
11/18/13 09:36	(718) 298-1400	1	0.62
11/19/13 10:09	(917) 415-1179	6	0.74
11/20/13 14:00	(718) 286-2145	6	0.74
11/21/13 11:24	(718) 286-2145	5	0.70
11/22/13 20:07	(917) 415-1179	1	0.62
11/24/13 10:01	(917) 415-1179	6	0.74
11/25/13 10:45	(917) 415-1179	6	0.74
11/26/13 21:53	(917) 415-1179	1	0.62
11/27/13 09:27	(917) 415-1179	1	0.62
11/27/13 16:10	(917) 415-1179	15	1.07
11/27/13 18:34	(212) 382-6600	3	0.62
11/27/13 18:37	(212) 382-6600	2	0.62
11/27/13 18:52	(718) 923-3745	3	0.62
11/28/13 09:00	(212) 382-6600	8	0.81
11/28/13 09:21	(718) 923-3745	6	0.74
11/28/13 09:27	(917) 415-1179	6	0.74
11/28/13 09:39	(212) 614-6464	3	0.62
11/29/13 19:29	(917) 415-1179	6	0.74
11/30/13 20:03	(917) 415-1179	6	0.74
12/01/13 09:44	(917) 415-1179	6	0.74
12/01/13 10:08	(917) 415-1179	10	0.89

21.12

Spending Limit is \$125 per week

Total

\$52.89

SAMPLE 10 Mod A

Bed 4 OF

COMMBS St

STREET

Comm

~~Phone~~ Stolen

an

10/25/13

in

Garbage

128626872

Inmate Freeman Omar
Last First

Property Receipt

A No 1174565
year

Institution Amek

Date 10/11/13

- ☐ NYSID #
☐ Book and Case # 4411309638
☐ Sentence #

CONTROL/CUFFLOCK#

PROPERTY WAS PROPERTY TAKEN:

- ☒ Admission ☐ Housing Area - Specify:
Was this property taken on a search: ☐ Yes/ ☐ No ☐ Other - Specify:

I. Personal Items		II. Clothing		III. Jewelry		
Articles	No.	Articles	Color	No.	Article	Description
Radio		Coat/Jacket				Y W CS
Personal papers		Pants			Tooth Cap	
Pocketbook		Belts			Neck Chain	
Gloves		Shoes/Sneaker <u>TRN</u>			Earring	
Glasses		Shirt/Blouse			Charm	
Wig		Skirt			Bracelet	
Wallet		Boots			Watch	
Keys		Hat			Ring	

Identification: ☐ Yes ☐ No

On Person Same Name? Y N

U.S. Passport

Green Card

Driver's License

Other Government-issued photo ID

Birth Certificate

Social Security Card

Other:

IV. Miscellaneous

Please Note:
Description Color:
Y - Yellow Metal
W - White Metal
CS - Color of Stone

INSTRUCTIONS
1. If you receive more than one
(1) item on a line (e.g.,
coat/jacket) circle appropriate
item then enter the number.

☐ NO PROPERTY

The above item(s) has been received from you because:

- ☐ It is not on the list of items which are permitted in this facility
☐ The quantity is in excess of that allowed in this facility
☐ It may create a health, safety or security hazard, and therefore, you are not permitted to have it in your possession
☐ You have submitted the item to us voluntarily for safekeeping
☐ Other

Signature of person taking property

Signature of Inmate

Shield ID #

Date

Print Name

Time

SEE APPEAL AND DISPOSAL PROVISIONS ON OTHER SIDE.

Distribution:

White - Inmate Copy

Green - Inmate Legal Folder

Yellow - Duplicate (TO BE SECURED WITH PROPERTY)

Blue - Discharge Planning Center (UPON CITY SENTENCING)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK
PRO SE OFFICE
U.S. COURTHOUSE
225 CADMAN PLAZA EAST
BROOKLYN, NEW YORK 11201

OMAR FREEMAN 9B
79-25 WINCHESTER BOULEVARD
QUEENS VILLAGE, NY 11427

DECEMBER 30, 2013

FILED
IN CLERKS OFFICE
US DISTRICT COURT E.D.N.Y.

★ JAN 14 2014 ★

BROOKLYN OFFICE

Dear MR. FREEMAN:

We are writing in response to your letter(s) to the United States District Court for the Eastern District of New York received on: December 26, 2013.

The Court cannot act upon your submission(s). The Court can only act upon a complaint or a petition. A review of the Court's records indicates that there is no such action presently pending in which you are a plaintiff. Should you wish to start an action in this Court, we are enclosing the following forms for your convenience:

- ☒ 42 U.S.C. § 1983 Complaint Form
- ☐ 28 U.S.C. § 2241 Petition Form
- ☐ 28 U.S.C. § 2254 Petition Form
- ☐ 28 U.S.C. § 2255 Petition Form
- ☐ General Complaint Form (Sample)
- ☐ Social Security Complaint Form
- ☐ Employment Discrimination Complaint Form
- ☒ Request to Waive the Filing Fee

113
78

Any papers you wish to submit to this Court must be sent to this Office at the address listed above. This Office cannot offer any advice regarding the merits of your case.

We hope this information is of assistance to you. Should you have any further questions, please contact this Office.

Sincerely,

Pro Se Office
(718) 613-2665